IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 704 (S/S) of 2006

Bal Chand Saini,
Son of Sri Kallu Singh,
Resident of Village – Santar Shah,
Daulatpur, P.O. – Daulatpur,
District – Haridwar. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Director Education (Basic), Uttaranchal, Dehradun.
2. District Education Officer (Basic) Haridwar.
3. Nirmala Kanta presently posted Head Mistress, Belari, Tehsil – Roorkee, District – Haridwar.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil Kumar Bisht, learned counsel for the petitioner and Sri Paresh Tripathi, learned standing counsel for State of Uttaranchal on behalf of respondents no. 1 and 2.

Vide order dated 08.02.2006 passed by Additional District Education Officer, (Basic) Haridwar petitioner, who was working as Assistant Teacher officiating Head Master being the senior most teacher at Belari, Tehsil – Roorkee, District – Haridwar has been promoted to the post of Head Master on regular basis and is posted at Kasampur, Block – Bahadarabad, District – Haridwar.

The said transfer order was challenged by the petitioner by means of writ petition no. 245 (S/S) of 2006 and this court on 01.03.2006 disposed of the writ petition with a direction to petitioner to make representation before Appropriate Higher Authority within fifteen days after receipt of the certified copy of this order, who shall decide

the same within a period of one month thereafter. And the order of transfer was kept in abeyance.

Respondent no. 2 vide order dated 08.05.2006 has rejected the representation of the petitioner made in pursuance to the judgment passed by this court.

It is well settled law that transfer is exigency of the service and High Court should not interfere with the transfer order until the transfer order is based on malafide or the order has been passed against the Statute.

In the present case, the transfer order is neither based on malafide nor against the Statute. In fact, the petitioner was promoted to the post of Head Master and posted to Kasampur, District – Haridwar.

I do not find any infirmity in the impugned order dated 08.05.2006 passed by the respondent no. 2. Writ petition lacks of merit, as such, writ petition is dismissed.

(M.M. Ghildiyal, J)

May 24, 2006
SKSharma